

1970

c 95 County Judges Act

Ontario

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CHAPTER 95

The County Judges Act

1. In addition to the judges otherwise provided for in this Act, ^{Chief} a Chief Judge of the County and District Courts, herein referred to as the chief judge, may be appointed, and he shall have all the powers of a judge throughout Ontario. 1961-62, c. 25, s. 1, *part*.

2. A judge may be appointed for the county court of each of ^{Judges} the counties and for the district court of each of the provisional judicial districts. R.S.O. 1960, c. 77, s. 1; 1961-62, c. 25, s. 1, *part*.

3.—(1) A junior judge may be appointed for the county court ^{Junior} of each of the judicial districts of Niagara North and Niagara ^{judges} South and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay. 1968, c. 22, s. 1, *part*; 1968-69, c. 20, s. 1 (1), *amended*.

(2) Two junior judges may be appointed for the county court ^{Idem} of the Judicial District of Ottawa-Carleton and of each of the counties of Essex and Wentworth. 1968-69, c. 20, s. 1 (2).

(3) Three junior judges may be appointed for the county court ^{Idem} of the county of Middlesex. 1968, c. 22, s. 1, *part*.

(4) Fourteen junior judges may be appointed for the county ^{Idem} court of the Judicial District of York. 1968, c. 22, s. 1, *part*; 1968-69, c. 20, s. 1 (3), *amended*.

4.—(1) In addition to the judges mentioned in section 2 and ^{Additional} the junior judges mentioned in section 3, one or more judges or ^{judges} junior judges, not exceeding seventeen in number, may be appointed,

- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario. R.S.O. 1960, c. 77, s. 3 (1); 1966, c. 32, s. 1.

(2) A judge or junior judge appointed for the county and ^{Residence} district courts of the counties and districts of Ontario shall reside in the county court district or district court district that is designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 77, s. 3 (2).

Extended
jurisdiction

5.—(1) A judge or junior judge may perform any judicial or other function in the county or district court of any county or district in the same manner and to the same effect as a judge of that court. R.S.O. 1960, c. 77, s. 4 (1).

Rank and
precedence

(2) After the chief judge, the judges and junior judges, respectively, have rank and precedence among themselves according to seniority of appointment. R.S.O. 1960, c. 77, s. 4 (2); 1961-62, c. 25, s. 3.

Powers of
junior
judges

6. Where a power or authority is by this Act or otherwise conferred upon or may be exercised by the judge of a county or district court, whether with reference to the holding of any of the courts of the county or district that he may hold, or to the business of any of such courts, or to any other matter or thing over which he has jurisdiction, the like power and authority are possessed and may be exercised by a junior judge, subject to the general regulation and supervision of the judge. R.S.O. 1960, c. 77, s. 6.

Not to
practise

7. A judge or junior judge shall not, directly or indirectly, practise as counsel or solicitor or act as a notary public or conveyancer. R.S.O. 1960, c. 77, s. 7.

Illness
or death
of judge

8. Where a judge who has appointed a time and place for the hearing of an application, proceeding or matter becomes ill or dies, or for any other reason is unable to attend at the time and place appointed, the application, proceeding or matter may be heard by another judge of the same county or district court or by a judge who may for the time being be acting as a judge of such court. R.S.O. 1960, c. 77, s. 8.

Disposition
as to fees

9.—(1) All fees payable by the parties to a proceeding before the judge, or upon an order or certificate made or given by him, shall form part of the Consolidated Revenue Fund, and, except as hereinafter provided, a judge of a county or district court is not entitled to receive any fees whatever under any Act of the Legislature. R.S.O. 1960, c. 76, s. 9 (6), *amended*.

Exceptions
as to arbi-
trators, etc.

(2) Nothing in this section applies to or affects the payment of any allowance or fees to a judge of a county or district court with respect to any office that may be lawfully held by him in addition to his office as judge to which an annual allowance or salary is attached or in the performance of his duties as an arbitrator or referee under any statute designating him by his name of office as an arbitrator or referee.

Travelling
expenses not
affected

(3) Nothing in this section affects or prevents the payment to a judge of a county or district court of his travelling or other expenses when called upon to perform any duty outside the county or district town of the county or district. R.S.O. 1960, c. 77, s. 9 (7, 8).

10. Every judge and junior judge shall take and subscribe the following oath before the chief judge or a judge designated by him: Oath of office

I,, do swear that I will,
truly and faithfully, according to my skill and knowl-
edge, execute the several duties, powers and trusts of
judge of the Court of the
of
So help me God.

1961-62, c. 25, s. 6.

11. Where there is more than one judge available in a county or district, the county or district court, the court of general sessions of the peace and the small claims courts may sit at the same time and the business in them may be proceeded with simultaneously. Simultaneous sittings R.S.O. 1960, c. 77, s. 11, *amended*.

12. The chief judge may empower the judge or a junior judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be. Place of hearing 1961-62, c. 25, s. 7.

13.—(1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and, where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter. Court reporters, appointment

(2) Every court reporter shall be under the direction of the judge or, in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter. Direction

(3) Every court reporter is entitled to such remuneration as the Lieutenant Governor in Council may prescribe. Remuneration

(4) Every court reporter who is appointed at a salary is nevertheless entitled to take for his own use fees for transcriptions unless he is expressly prohibited from so doing by the terms of his appointment. Fees for transcriptions 1961-62, c. 25, s. 8 (1), *part*.

(5) Where a court reporter is appointed at a salary and is expressly prohibited from taking for his own use fees for transcriptions, he shall collect the fees for such transcriptions and pay them over to the Treasurer of Ontario. Idem 1961-62, c. 25, s. 8 (1), *part*; 1968, c. 22, s. 2 (1).

(6) The Lieutenant Governor in Council may prescribe fees for court reporters. Fees 1961-62, c. 25, s. 8 (1), *part*.

County
court
districts

14. The Lieutenant Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act or that a provisional judicial district or two or more provisional judicial districts shall form a district court district for the purposes of this Act. R.S.O. 1960, c. 77, s. 15 (1).

Chief judge
president

15.—(1) The chief judge shall be president of the county and district courts.

Chambers

(2) The chief judge shall occupy chambers at Toronto. 1961-62, c. 25, s. 9, *part*.

Absence,
etc.

(3) The chief judge may designate one of the other judges to act in his place for all purposes during his absence from Ontario or illness.

To supervise
arrangement
of sittings
of court

(4) To ensure the dispatch of business of the various courts, including chambers, that are presided over by the judges of the county and district courts, including the surrogate and small claims courts where it is customary for the county or district court judge to act as judge of the surrogate court and the small claims court, the chief judge shall have general supervisory powers over arranging the sittings of such courts, including chambers. 1961-62, c. 25, s. 9, *part, amended*.

Meetings of
judges

(5) For the purpose of arranging the sittings of the various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges and junior judges of each county and district court district at least once in each year and shall preside thereat.

Idem

(6) The chief judge and the judges and junior judges of the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges and junior judges of the county or district court district with power in the chief judge to make such readjustment or reassignment as he considers necessary or proper from time to time.

Rotation

(7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

- (a) the desirability of rotating the judges within each county and district court district; and
- (b) the greater volume of judicial work in certain of the counties and districts,

but no judge or junior judge shall be required to sit outside his county or district court district, as the case may be, without his consent.

(8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble at Toronto once in every year all the judges and junior judges of the county and district courts and he shall preside over such meeting. 1961-62, c. 25, s. 9, *part.* Council of judges

16. A judge may exercise and perform in any part of his court district any power or duty that he may exercise or perform in the county or district for which he was appointed. R.S.O. 1960, c. 77, s. 20. Judge to have jurisdiction throughout court district

17. Where a vacancy occurs in the office of the judge of the county or district court in a county or district in a court district and the Lieutenant Governor declares that, owing to the lack of sufficient business, it is unnecessary that the vacancy be filled, the remaining judges in the court district shall arrange for the performance of the duties of the judge of the county or district court of the county or district in which the vacancy occurs by one of themselves or by some other person competent by law in that behalf, and every judge or other person so acting has the like powers and shall perform the like duties as a judge or other person competent by law in that behalf appointed or authorized for that purpose may exercise and perform under any statute of Ontario in the county or district in which the vacancy has occurred. R.S.O. 1960, c. 77, s. 21, *amended.* Where vacancy occurs and business does not warrant new appointment
